

## Message Text

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11

ACTION COA-02

INFO OCT-01 ARA-11 ADP-00 L-03 EB-11 SCA-01 H-02 INR-10

PRS-01 CG-00 DODE-00 RSR-01 SCS-03 /046 W

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P 152105 Z MAY 73

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 7605

AMCONSUL BELEM

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E. O. 11652: N/ A

TAGS: EFIS, BR

SUBJECT: SHRIMP AGREEMENT

1. RONALDO COSTA ( ASST SEC, FONOFF) REQUESTED MEETING WITH ECON COUNSELOR AND PRESENTED FOLLOWING NOTE: BEGIN TEXT:
  1. THE MINISTRY OF FOREIGN RELATIONS COMPLIMENTS THE EMBASSY OF THE UNITED STATES AND HAS THE HONOR TO INFORM IT THAT THE US FLAG FISING BOAT, APOLLO XII, WAS FOUND IN BRAZILIAN TERRITORIAL WATERS WITHOUT ANY DOCUMENTATION WHICH AUTHORIZES IT TO ENGAGE IN FISING ACTIVITTIES UNDER THE TERMS OF THE SHRIMP AGREEMENT SIGNED BY THE TWO COUNTRIES.
  2. THE FISING BOAT REFERRED TO, THAT WAS DISABLED, WAS TOWED FROM THE REGION OF LOWER " ESPARDATE" TO THE PORT OF BELEM BY THE CORVETTE SOLIMOE.
  3. DUE TO THE COMPLETE LACK OF DOCUMENTATION, THE BRAZILIAN INSPECTING AUTHORITIES ARE PROCEEDING WITH THE NECESSARY INVESTIGATIONS IN ORDER TO DTERMINE IF THERE WERE ANY INFRACTIONS OF THE TERMS OF THE ACCORD OR BRAZILIAN LAW.
  4. THE MINISTRY OF FOREIGN RELATIONS, REQUESTING THAT THE MATTER BE COMMUNICATED TO THE COMPETENT US AUTHORITIES, WILL KEEP THE EMBASSY INFORMED OF THE RESULTS OF THE INVESTIGATION.
  5. THE MINISTRY OF FOREIGN RELATIONS WISHES ONCE MORE TO EXPRESS ITS DEEP CONCERN OVER THE LACK OF STRICT FULFILLMENT OF THE TERMS OF THE SHRIMP AGREEMENT AND OF ITS COMPLEMENATRY

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PROVISIONS INCLUDED IN THE EXCHANGE OF NOTES VERBAL, DATED JUNE 3, 1972, ABOUT THE OPERATIONAL DETAILS OF THE REFERRED TO AGREEMENT.

6. IN PARTICULAR, AND IN ADDITION TO EARLIER COMMUNICATIONS, THE MINISTRY OF FOREIGN RELATIONS REITERATES THE NECESSITY OF FURNISHING THE DEFINITIVE LIST OF FISHING BOATS THAT UNDER THE TERMS OF ARTICLE FOUR OF THE SHRIMP AGREEMENT WISH TO FISH IN THE AREA SPECIFIED IN IT. ON THE SAME SUBJECT, THE MINISTRY REITERATES THE TERMS OF ITS NOTE NO 40, OF APRIL 24, 1973, CONCERNING THE PAYMENT OF ANNUAL COMPENSATION SPECIFIED IN ARTICLE SIX OF THE DOCUMENT OF THE AGREEMENT AND IN THE EXCHANGE OF NOTES ANNEXED TO IT. END TEXT.

2. ECON COUNSELOR STATED THAT EMBASSY HAD JUST RECEIVED COMPLETE LIST OF VESSELS COMPLYING WITH THE AGREEMENT AS WELL AS A TELEGRAM ADDING THE NAMES OF THREE ADDITIONAL VESSELS INCLUDING APOLLO XII, WHICH WOULD BE FORMALLY SENT TO FONOFF IMMEDIATELY. HE ALSO EXPLAINED IN DETAIL THE DIFFICULTIES AND TIME INVOLVED IN ESTABLISHING AND TRANSMITTING REQUIRED DATA ON EACH VESSEL.

3. COSTA RESPONDED THAT HE WAS AWARE OF PROBLEMS AND GOB WAS PREPARED TO BE UNDERSTANDING AND FLEXIBLE, BUT SYSTEM IN PRACTICE WAS NOT FULFILLING TERMS OF AGREEMENT. VESSELS WERE COMING INTO AREA TO FISH WITHOUT GOB BEING NOTIFIED PRIOR TO ENTRY THAT THEY WERE VOLUNTARILY COMPLYING; SOME ARRANGEMENT CERTAINLY COULD AND SHOULD BE MADE TO NOTIFY GOB SO THAT NAVY WOULD AT LEAST HAVE NAMES. IN THE CASE OF THE APOLLO XII, IT DID NOT HAVE AN IDENTIFYING NUMBER AND IT HAD NOT RADIOED IN THAT IT WAS ENTERING AREA INCLUDED IN SHRIMP AGREEMENT. IN FACT, CAPTAIN SEEMED TO KNOW NOTHING ABOUT THE SHRIMP AGREEMENT AND WHAT HIS OBLIGATIONS WERE. THERE IS POSSIBILITY THAT VESSEL WAS ALSO FISHING IN GOB CLAIMED WATERS BUT OUTSIDE AREA INCLUDED IN SHRIMP AGREEMENT. NAVY IS INVESTIGATING THIS ASPECT.

4. COSTA SAID THAT SOME CHANGES IN SYSTEM WOULD HAVE TO BE MADE TO COMPLY WITH TERMS OF AGREEMENT. ECON COUNSELOR ASSURED COSTA OUR INTENTION WAS TO SET UP BEST POSSIBLE SYSTEM AND WE ARE ALWAYS PREPARED TO SEEK IMPROVEMENTS.  
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5. COSTA ALSO REFERRED TO FACT THAT WE WERE IN FIFTH MONTH OF SECOND YEAR OF 2 YEAR AGREEMENT AND IMPLEMENTING LEGISLATION HAD NOT YET BEEN EVEN INTRODUCED INTO CONGRESS; IN GOB THIS WAS RAISING DOUBTS ABOUT US UN INTENTIONS IN COSTA'S VIEW THERE WAS NO POSSIBILITY OF DISCUSSIONS TO RENEW AGREEMENT UNLESS AND UNTIL IMPLEMENTING LEGISLATION HAD BEEN PASSED AND

REQUIRED MONETARY PAYMENTS MADE.

6. COMMENT: IN REPLY TO GOB EMBASSY RECOMMENDS THAT WE GIVE REASSURANCES ON PROVIDING INFO ON VOLUNTARY COMPLIANCE AS QUICKLY AS POSSIBLE, PARTICULARLY WITH REFERENCE TO BASIC DATA ON VESSELS PRIOR TO THEIR ENTERING AGREED WATERS. THIS IS REASONABLE REQUEST; WE SHOULD BE ABLE TO COMPLY IF REQUESTS ARE HANDLED EXPEDITIOUSLY BY TELEGRAM. WE SHOULD ALSO ASSURE GOB THAT WE ARE MAKING EVERY EFFORT TO HAVE VESSELS CARRY APPROPRIATE IDENTIFYING NUMBERS AND TO INFORM CAPTAINS OF THEIR RESPONSIBILITIES UNDER AGREEMENT.

7. ON IMPLEMENTING LEGISLATION, EMBASSY URGES IMMEDIATE ACTION.  
ROUNTREE

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

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